CHAPTER XXII

LAWS OF INHERITANCE

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No Bedouin may give away the property of his family either to strangers, or to his wife or even to his daughters. If he does so, his son or his nearest kinsman outside of his immediate family has the right to demand the return of the gifts. This right is called *menn*. As the saying has it: "Thou wilt give it to me, but thy son will take it away from me by the right of *menn*: *ent te'ṭîni wa-bnak jemennah minni*." It is not necessary to demand the gifts back at once; that may be done later, even after some years have elapsed. The witnesses summoned will testify that the claimant's father gave away certain property, and the receiver must return everything plus any increase which the gift has brought in the meantime. If, for example, he received a she-camel ten years ago, he is bound to return not only the old animal, but all her offspring. If, again, he has given or sold the she-camel to somebody else, suitable compensation is fixed. Only in cases when the gift was made by some member of the Eben Ğandal or Eben Ṛubejn kin, *'aṭa' ğandalijje* or *ṛubejnijje*, will the *menn* lose its validity. No Rwejli could explain to me the reason of this custom, but all maintained that it had been the practice since time immemorial. To give an instance: Fâjez eben Ğandal once returned from a raid of which he was a commander, *'ažîd*, with rich booty. One of his warriors, Ḫalaf al-Flejḥi, captured four camels, males, *zwâmel*, which were to go to Fâjez, as, according to the Bedouin law, every captured he-camel belongs to the leader. However, as this particular raid was not made on the basis of sharing the booty, *ṛejr ḥiše*r, but everybody was to keep what he had captured, Ḫalaf would have received nothing at all. He therefore went to Fâjez's tent and entered the part reserved for the women, where the wife of Fâjez, Felğa, was suckling her two-year-old baby son, Ğed'ân. Ḫalaf stroked him caressingly and begged her help:

"O Felğa," he said, "put in a kind word for me and make the baby, *'ajjel*, say: 'I give those *zwâmel* to Ḫalaf.'"

When Felğa obligingly repeated his words, Ğed'ân said: "I give Ḫalaf the *zwâmel*."

2:Musil S-4, 5 (no date)1928 MD4 Rwala MD4

Filled with joy, Ḫalaf rode to his tent, branded the camels with his mark, and let them be driven to pasture. But soon afterwards Fâjez, ignorant of Ḫalaf's stratagem, sent a slave to demand the animals. Ḫalaf, of course, sent back the answer:

"The *zwâmel* are mine. Eben Ǧandal gave them to me."

The slave asked: "Which Eben Ǧandal?"

"Ǧed'ân eben Ǧandal."

On hearing the message, Fâjez inquired of his wife and, learning what had happened in his absence, let Ḫalaf have the camels with the words: "A gift of Eben Ǧandal knows no *menn*."

A camel presented by a man to his divorced wife belongs, with all her calves, to the divorcee exclusively. Neither the husband's nor her own kin can lay any claim to her. She can give or sell the camel to whomsoever she wishes and spend the money received for it without being responsible to anybody, for she is the sole owner of that property, *mâ leha šerîk ill-allâh*.

When a Rwejli dies, leaving a widow with a baby daughter, his kin takes his tent as well as his camels. The widow goes back with her daughter to her own kin. From the price that had been paid for her she gets a she-camel, *ba'îr*, which also belongs to her only. The little daughter remains with her till she grows up, returning then to her father's kin.

If a Rwejli leaves two widows with little boys, his property is divided temporarily between both widows to enable them to bring up the boys. At the sons' maturity the estate is divided among them according to law, i. e. the first-born is given one camel more than his brothers. This male or female camel is called *nefel*. The tent and the saber belong, as is the Arab custom, *ṭarâjež al-'arab*, to the youngest. The gift, *neḫîle*, which the boy receives on his circumcision is his own property, which he shares with nobody.

A short time ago a Rwejli died leaving two widows, each of whom was suckling a baby boy. Ḫalaf âl Iḍen, who became their guardian, *wâṣi*, gave one widow both the tent and all the camels, letting the other go empty-handed with her boy to her kin. When the latter complained of this high-handed action to Prince an-Nûri, he ordered the estate to be divided between them equally, as required by the Bedouin law, *ṭarâjež al-'arab*.

If after the father's death his sons also die, the widow's

768 428 share of her husband's property is three she-camels, so called *nežîle* (pl., *nežâjel*), that is, the first as the price of her womb, *ḥakk baṭnaha*, in which she carried her sons; the second as the price of her breasts, *ḥakk dajdaha*; and the third as the price of her hip, on which she lay while suckling them, *ḥakk matnaha*. Besides these she takes a fourth camel as the price of her husband, whom she served till his death. When this widow dies, the fourth camel, *ḥakk rukubatha*, is inherited by her kin while the first three, *nežâjel*, fall to the kin of her late husband.

When a man dies leaving only married daughters, each of them is entitled to two she-camels out of the estate, one on account of the dowry, *sijâḳ*, which was paid for her, and the other in remembrance of the father.

428 [562] The right of inheritance, *ḥakk al-warṯa*, is vested in sons alone. The eldest selects first two she-camels called *mhawwa w-ḥazîza*, then the others take one each, then the eldest son takes another camel, and so on until all the camels are divided. The mare, too, goes to the eldest; its first filly to the second; its second to the third; while the fourth son will get the filly of that which went to the second. The tent itself belongs to the youngest brother, its whole internal equipment to the eldest. Every daughter is given two she-camels, *wârda w-ṣâdera* going for water and returning with it, or *ḥalûba w-rakûba*, milking and riding.

In case the sons will not divide the estate but use it in common, *elja' taḥâšarow*, the eldest offers a *ḏabîḥt al-ḥišer*, common sacrifice.

When an uncle on the father's side dies without male issue, all that he leaves belongs to his nephews. If the eldest of them rides his uncle's mare on raids and captures horses or camels, he must not keep them. The mare was owned by the uncle, and to his estate belongs the booty, in which, therefore, all the nephews share. Should they divide the estate among themselves but after some time agree to administer it in common, the eldest immolates a *ḏabîḥt al-ḥišer*, common sacrifice. He also offers a sacrifice on the day of commemoration for all who have departed that year.

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421 562 428 A married woman may have her own estate. This comes either from her kin or her husband's or from her savings. All that she has bought from her savings she can sell at will, but, as to her other property, she must be directed by the will

2:Musil S-4,5 (no date)1928 MD4 Rwala MD4

of her husband or her *ahl*. After her death her son inherits all that came from her kin. the rest goes to her husband.

A father can leave his property to his daughters if he has no son, but he must appoint a guardian for them, who is also called father. This is done with the words: "Behold, I exclude the flesh and blood from which I descend. Thee I appoint to be the father of my daughter (or daughters). My whole estate I present to my daughter. My relatives of the flesh and blood from which I descend must take nothing from her. Thou wilt see to it. But on the commemoration day of all faithful departed, *ẓaḥijje*, my daughter should not forget me." In case this daughter marries, her property is inherited by her son, or, if there is no son, by her *ahl*; her husband can claim nothing.

The right of inheritance belongs to all relatives up to the ninth degree, *râ' tis'a ǧdûd jaret*. In the absence of lawful heirs, that is if the kin has entirely died out, *temši 'alejhom ad-dinja' mâ jeẓall kûd al-ḥurma*, the woman most nearly related to it receives whatever estate is left and is bound to a sacrifice on the *ẓaḥijje* day.

Jâ wanneti wannet jetîm
'oḳb al-ṛala' 'ammeh walâh
jaṣiḥ w-jowmi beš-šelîl
w-jaḳûl walli min ḥaja'

This is the lament of an orphan
Who, having lost his father, receives orders from an uncle.
He gives the alarm cry, waves the hem of his cloak,
And says to himself: 'Vanish from life.'

Al-ṛala' is a father who appointed a brother of his to be the guardian of his son. The orphan, dissatisfied with his guardian, sights the enemy. Giving the alarm cry, he waves his mantle in the direction of the approaching danger and encourages himself, *nesmeh* or *nafseh*, to resist the enemy even at the risk of losing his life. In the latter event, at least, his mourning for the loss of a dear father would cease.